

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION


WAYNE ERNEST BARKER, #900987	§	
	§	
V.	§	CIVIL ACTION NO. G-05-087
	§	
DR. JOSEPH TAYLOR, ET AL.	§	

**ORDER OF DISMISSAL**

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on May 12, 2006, which recommends that Plaintiff's civil rights complaint be dismissed for failure to exhaust administrative remedies. Plaintiff has filed objections to the Report and Recommendation, arguing, *inter alia*, that he is under no obligation to file grievances against employees who receive their paycheck from UTMB. For reasons correctly explained in the Magistrate Judge's Report and Recommendation, this Court finds Plaintiff's objections to be without merit.

After *de novo* review pursuant to 28 U.S.C. §636 (b)(1)(C), this Court is of the opinion that the Report and Recommendation of the Magistrate Judge should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. It is the **ORDER** of this Court that this cause is **DISMISSED** with prejudice for failure to exhaust administrative remedies.

**DONE** at Galveston, Texas, this the 6<sup>th</sup> day of June, 2006.

  
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Samuel B. Kent  
United States District Judge